



Organisation intergouvernementale pour les transports internationaux ferroviaires  
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr  
Intergovernmental Organisation for International Carriage by Rail

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**OTIF/JCGE/2019-B**

[13 December 2019]

(English only)

**TO THE MEMBER STATES AND ASSOCIATE MEMBERS OF OTIF AND  
TO REGIONAL ORGANISATIONS WHICH HAVE ACCEDED TO COTIF**

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**Final report of the meeting of the Joint Coordinating Group of Experts**

**(Berne, 9 – 11 September 2019)**

The newly appointed Secretary General, Mr. Wolfgang Küpper, welcomed the delegates and opened the meeting.

### **Agenda item 1: Approval of the agenda**

*Document:* TECH-19011-JCGE (Secretariat)

1. The provisional agenda contained in the invitation TECH-19011-JCGE of 2 July 2019 was adopted. Due to the late arrival of the representative of the European Commission, it was agreed to move agenda item 2 (Approval of Article 5 § 2 (a) and Article 9 § 1 of the Rules of Procedure) after agenda item 3 (Appointment of chair or co-chairs). The meeting would proceed based on the Rules of Procedure adopted at the preparatory meeting in February 2019.
2. The following Member States participated in the work of the Joint Coordinating Group of Experts (see also Annex I):

Belgium, Finland, Germany, Italy, Luxembourg, Netherlands, Switzerland and the United Kingdom.

The European Commission and the European Union Agency for Railways (ERA) were also represented.

The following non-governmental international associations were represented: European Chemical Industry Council (CEFIC), International Union of Wagon Keepers (UIP), and Association of the European Rail Industry (UNIFE).

### **Agenda item 3: Appointment of chair or co-chairs**

3. In accordance with Article 4 § 1 of the Rules of Procedure as adopted at the preparatory meeting of the JCGE on 7 February 2019, the OTIF Secretariat proposed that the United Kingdom, in the shape of Mr Arne Bale, should act as chair. The European Commission had informed the Secretariat in writing before the start of the meeting that it had no nominations for co-chair from the field of general railway law. The European Commission had confirmed that it would support the nomination of one chair for the meeting. Mr Arne Bale said he was prepared to chair this meeting as sole chair.
4. The chair informed the meeting that informal document INF.3 submitted by ERA would be discussed under agenda item 6 (Any other business).

### **Agenda item 2: Approval of Article 5 § 2 (a) and Article 9 § 1 of the Rules of Procedure**

5. The representative of the European Commission proposed modifications to Article 5 § 2 (a) and Article 9 § 1 of the Rules of Procedure. She informed the meeting that due to budget constraints, it would be preferable to hold meetings of the JCGE in English only. This would enable meetings to be hosted in Brussels as well as in Bern.
6. The JCGE preferred that language regime according to Article 9 should be maintained, so that French and German could be used, with interpretation into English. The following amendments were proposed:

Additional subparagraph (c) under Article 5 § 2 with the following wording: *“Unless agreed otherwise by the Secretariat of the JCGE, meetings shall be held in Bern.”*

**Agenda item 4: Review and report on the list of priority items agreed at the previous meeting ([document OTIF/RID/CE/JCGE/2019-A/Add.1](#))**

**1 b - Design and construction of vehicles. Way of specifying; functional/technical solutions**

**ITEM 1: 6.8.2.1.2**

7. The representative of Germany informed the meeting that the national ad hoc working group on the future form of the approval procedure for RID tank-wagons had met and the results had been summarised in a document for the forthcoming meeting of the RID Committee of Experts' working group on tank and vehicle technology. The conclusions included five main points which would need to be considered in addition to the requirements of the TSI and UTP when assessing the ability of tank-wagons to withstand stresses:
1. Maximum working pressure of the tank to be superimposed on the load cases;
  2. The operating temperature range of the tank would need to be looked at when assessing the resistance of the tank; the material properties change depending on the tank;
  3. The minimum wall thickness of the tank, which has not been considered as a nominal value;
  4. In this context, special provisions TE 22 and TE 25 would have to be taken into account when determining the resistance;
  5. The strength of the tank lining, and not just of the tank shell alone, would have to be assessed. Should the lining fail, the tank itself may not fail, but it may be damaged due to corrosion.
8. The document would make a specific proposal to amend footnote 1 to RID 6.8.2.1.2 and would propose to amend or supplement standard EN 12663-2:2010 as well as standard EN 14025, which deals with the assessment of protective lining and may need to be aligned. The proposal will only concern RID.
9. The meeting took note of the update.

**ITEM 2: 6.8.3.1.6**

*Informal document:* INF.1 (UIP)

10. UIP presented informal document INF.1 with the objective of examining how tank-wagons can be more resistant to accidents. Rules were developed under TE 22 and TE 25 in order to reduce the consequences of accidents. In particular, crash buffers and buffer override devices were introduced. The technical requirements for some of the RID provisions were not standardised or included in the TSI. Furthermore, a solution would have to be found for automatic or manual central coupling systems if the 800 kJ required in TE22 for crash buffers were to be addressed. The main points in document INF.1 to be looked at were as follows:
- Alignment with SMGS of the value for the minimum energy absorption of the energy absorption elements at each end of the wagon for tank-wagons with a central coupling device. In some European countries, innovative wagons fitted with automatic coupling devices were being tested. In view of the fact that special provision TE 22 prescribed an energy absorption of 800 kJ for each end of conventional tank-wagons, it would have to be checked whether the considerably lower value of 140 kJ with central coupling devices was suitable for SGMS traffic.
  - The question of whether special provisions TE 22 and TE 25 should also apply to extra-large tank-containers. These containers are not multimodal and have the same capacity as tank-wagons.

- Overriding protection has been introduced for very dangerous substances, such as chlorine. These devices are not standardised, and different rules apply. References to standards would need to be discussed.

The representative of UIP suggested that there should be a holistic approach to the issue, i.e. first agree on the provisions required and then decide where to place them.

11. The representative of the United Kingdom noted that there had been a similar discussion for passenger vehicles in terms of the protective aims and to achieve these through technical specifications and standards. However, this had not been discussed with reference to freight wagons. The USA had had different experiences. The automatic coupling devices on tank-wagons for dangerous goods are fitted with double shelf couplers and protection shields to prevent tanks being punctured by the coupling devices in derailments and collisions.
12. The representative of the United Kingdom also suggested that all the requirements should be dealt with as a package and that there should be a system of categories, depending on the goods transported. With regard to standards, they should be flexible enough to allow for innovation and technological developments so that the aims could be achieved.
13. The OTIF Secretariat agreed that a holistic approach was a good principle. However, the boundaries of the system had to be defined. It asked UIP whether there were already any existing cases and experience with the different possible options.
14. The representative of UIP confirmed that even though these measures had existed for more than 10 years, a very limited number of cases and not much experience was available to provide evidence or assess or compare the effectiveness of the RID provisions. TE 22 refers to EN 15551 for the design of crash buffers, but the standard did not provide much detail in terms of shunting activities.
15. The representative of Belgium supported the principle of the holistic approach, but suggested that the technical work should be carried out before being submitted to the JCGE. She also suggested looking at the documents that already existed at RID level, in which Switzerland had examined the transport of chlorine.
16. The chair concluded that there was general agreement for a holistic approach. UIP was in the best position to take this forward as rapporteurs. On the one hand, work was required on the wording of general protective measures as a baseline, and on the other, technical requirements were required in the EN standards or TSIs. The starting point was the current requirements in RID.

### **ITEM 3: Other input since 2017: extra-large tank-containers**

*Informal document:* INF.2 (CEFIC)

17. The representative CEFIC informed the meeting that the BASF risk assessment report would be available by October. Various trials were being carried out with different loads and data. Preliminary results had been discussed and presented to the Sounding Board Group. With regard to a specific proposal for amendments, this would have to wait until there had been a discussion in the working group on tank and vehicle technology. No specific proposal would be made for the meeting of the RID Committee of Experts' standing working group in November.
18. The representative of UIP expressed concern that if the document was only available in October, there would be not enough time to provide feedback.

19. The representative of UIP explained that certain points would relate mainly to RID, but the case dealt with special container carrying wagons which are not standard. They had obtained positive test results on the resistance of the structure. Therefore, there would have to be a regulation in place for these wagons, not just for tank-wagons alone. The big question relating to the extra-large container was how to ensure a level playing field for transport with a tank fixed on the frame of a vehicle (conventional) and with the container sitting on the wagon (combined/intermodal).
20. The representative of the United Kingdom added that the marking was also a related topic.
21. The OTIF Secretariat confirmed that it was the task of this group to answer these questions, which would be included on the agenda for the next meeting.

## **2 a - Vehicle authorisation process – Responsibilities for conformity assessment (Notified Body for vehicles)**

### **ITEM 4: 7.1.1 (NOTE)**

*Informal document:* INF.4 (ERA)

22. ERA presented informal document INF.4 on the future revision of the TSIs, which focused on a new process and on finding the right balance between urgent and periodic revisions. ERA proposed a change control management process which had already been applied for the revision of the TAF and TAP TSIs. The revision of the TSIs would be topic based. In this process, anyone could submit a proposal for modification. This proposal would then be assessed by ERA/COM and if agreed, discussed in relevant topic working groups, which would be set up on an ad hoc basis. The proposal on the new process would be submitted to the EU Member States at the Railway Interoperability and Safety Committee (RISC) meeting in November 2019. In the meantime, ERA would develop a list of priority topics that need to be dealt with.
23. The OTIF Secretariat reminded the meeting that with the objective of ensuring international rail transport, TSIs should remain aligned with the UTPs. Continuous revisions of the TSIs ran the risk of creating contradictions with existing COTIF provisions under ATMF and APTU.
24. The representative of the European Commission explained that, where necessary, the JCGE could also submit requests for changes to the TSI. Once approved, such requests could be dealt with in the form of a technical opinion, which could be considered as an Acceptable Means of Compliance (AMOC).
25. The OTIF Secretariat reminded the meeting that at COTIF level, if technical opinions are used to propose modifications to the relevant UTP, this would require a decision by the Committee of Technical Experts (CTE), which is held once a year.
26. The chair reminded the meeting that item 4 also dealt with the question of the approach for the revision of the WAG TSI and the inclusion of provisions relating to derailment detection devices (DDD).
27. The representative of ERA explained that a change request had already been submitted for the inclusion of such provisions in the WAG TSI.
28. The representatives of Belgium, Germany, Italy, the Netherlands and the OTIF Secretariat reminded the meeting that the issue of DDDs was an item of long standing. It had already been decided that ERA would integrate the DDD into the TSI text, which should have been done in 2017/2018. Using the newly proposed change request would only delay the matter, which was not acceptable.

29. The representative of the European Commission confirmed that DDDs were already included in the topics that would be dealt with in the new process.
30. The OTIF Secretariat reminded the meeting that the final report of the RID-ATMF working group clearly states that ERA should harmonise the requirements.
31. The representative of Italy asked that the list of priority items to be presented at RISC also be shared with JCGE.
32. The chair concluded the discussion with the following actions. JCGE would provide RISC and the inland TDG committees with an advisory statement reminding them of the importance of dealing with this issue as a matter of urgency. The advisory statement should be supported by a history of the decisions made and the tasks that had been agreed. The statement should focus on the priority, while not forgetting the current and potential solutions for DDD. It should be noted that mechanical devices already existed on the market and projects under Shift2Rail were currently working on demonstrators for electronic devices.
33. The following wording was agreed: "Recognising that mechanical derailment detection devices are fitted to existing wagons and that new types of derailment detection devices are being developed and bearing in mind decisions previously taken by other working groups and committees..."

## **2 b - Vehicle authorisation process – Authorisation process and actors involved (competent authority)**

### **ITEM 5: Conclusions of the RID/ADR/ADN Joint Meeting working group on inspection and certification of tanks.**

34. The OTIF Secretariat reported that this item only concerned the inspection and certification of the tank itself. Various proposals had been made for RID and ADR. The work was not yet complete. It was expected that the final report would be available for the RID/ADR/ADN Joint Meeting in March 2020.
35. The representative of Belgium noted that if the final report were only available for the Joint Meeting in March 2020, it would not be possible to discuss this beforehand. She asked whether UIP or ERA could provide an update so that this could be discussed at the RID Committee of Experts' standing working group in November.
36. The representative of UIP confirmed that the group had dealt with the intermodal aspects of the tank. However, in the railway sector, since 16 June 2019, ERA was the EU authority for vehicle authorisation. As a result, the tanks have to be registered in every country and at ERA. Therefore, the question of registration and approval would still have to be discussed. He further explained that there was a conflict between what is in the 4<sup>th</sup> Railway Package and RID. In terms of vehicle authorisation, a vehicle which is authorised to run everywhere has no limitation of area of use. The EU Interoperability Directive says that the vehicle can be registered in any NVR. In reality, if a tank-wagon has a tank approval in one Contracting State (CS), other CS sometimes argue that national rules or national legislation apply, hindering the free registration of the GE wagon.
37. The representative of the United Kingdom agreed that if there is an interface between tank and vehicle approval, this aspect must also be considered.
38. The representative of the European Commission noted the issue and proposed that the exchange of letters with the European Commission be used as input.

39. The representative of Belgium noted that unless all authorities agree on mutual acceptance, this was the only way forward. She asked how this would impact vehicle admission at OTIF level.
40. The representative of UIP explained that there had been no issues at OTIF level, because there had not been any cases where one vehicle is registered in one country and the tank in another country. At European Union level, with the introduction of the concept of the “area of use”, it was possible in theory to register anywhere in the area of use, but in reality this was not always possible for tank-wagons.
41. The chair concluded that the text on rail-related issues would have to be clarified and the points raised above would have to be dealt with and included in the conclusions of the informal working group on the inspection and certification of tanks report.
42. It was agreed first to take a decision at the informal working group on the inspection and certification of tanks, and then to analyse the impact this had on the authorisation and registration of vehicles. The report from the informal working group on the inspection and certification of tanks would be submitted to the JCGE.

#### **4 e - Operation and maintenance: safety responsibilities**

##### **ITEM 6: Safety responsibilities of the actors**

43. The representative of UIP informed the meeting that as a result of the 4<sup>th</sup> Railway Package and the new Safety Directive, additional actors were involved. At European level, there had been a discussion on safety responsibilities at the so-called Joint Network Secretariat (JNS) addressing the necessity of any measures linked to the Great Belt Bridge rail accident in Denmark. He proposed to wait for the results of this group and then look at any gaps that have been identified at RID or interoperability levels. This would be a complex case because it would touch on both responsibilities and interoperability. Consequently, it might also mean that CIM, CUI and CUV would also have to be reviewed. He said that in RID, there was a clear approach, while at EU level, every entity was expected to manage its own risks. The results could already be presented at the next JCGE meeting.

#### **5 c - Coordination processes between RID and general railway legislation. For national rules and their legal justification (RID/Railway Safety Directive) and possibilities of either harmonising or removing them.**

##### **ITEM 7: National provisions**

44. At the previous JCGE meeting it was agreed that UIC would present its work on national dangerous goods rules. As there was no UIC representative at this meeting, the item was postponed to the next JCGE meeting.

#### **Agenda item 5: Update of priority items**

45. The group reviewed the list of priority items and updated the table. The last columns provided more detail on the latest developments and next steps. The new version was updated in track changes during the meeting (see also OTIF/RID/CE/JCGE/2019-B/Add.1).

#### **Agenda Item 6: Any other business**

*Informal document:* INF.3 (ERA)

46. The representative of ERA presented INF.3 on its new mandate for the development of a "common safety method on the assessment of safety level and safety performance of operators at national and Union level" (CSM), which was also related to the transport of dangerous goods (TDG) and reporting on occurrences. Work had started in January 2019 and final recommendations would be presented in April 2021. The aim was to have a common standard of reporting covering both TDG and non-TDG occurrences. Furthermore, the reporting entities differed, depending on the occurrence. Three options had to be considered:

1. The future CSM would be used in RID. The problem was that the level of detail in reporting for road transport would increase as well. In CSM, all causes are expected to be reported, which was not currently the case for other modes.
2. Two separate reports in parallel, but the level of detail would be different.
3. One single reporting system specific to rail transport. This would also mean that CSM would be transposed into COTIF Appendix H.

ERA would like to discuss what the preferred option was. This would also be presented at the Joint Meeting's working group on improving of the TDG accident report.

47. The representative of CEFIC proposed that before the ERA options were discussed, the group should first obtain the results from discussions on the report on occurrences according to RID 1.8.5 at the Joint Meeting. Secondly, for CEFIC, the scope of accident reporting was sufficient.

48. The OTIF Secretariat noted that the Joint Meeting's working group on improving the TDG accident report had listed many criteria which were shared with ERA. With regard to the report on occurrences according to RID 1.8.5, the RID Contracting State must, if necessary, make a report to the Secretariat of OTIF with a view to informing the other RID Contracting States. This concerned both EU and non-EU RID Contracting States. The objective of the discussions at the Joint Meeting's working group on improving the TDG accident report was to improve reporting, but the scope of the report had not yet been discussed. The group also agreed that accident reporting should be used to make recommendations.

49. The representative of Germany supported the statements by CEFIC and the OTIF Secretariat. JCGE could not take decisions on ERA's proposal. The purpose of the report on occurrences according to RID 1.8.5 had to be clear, particularly with regard to how the information reported can be used. A question was raised on the purpose of the regulations. Was it a question of developing the regulations further, or of collecting data?

50. The representative of Belgium proposed that if the work of the Joint Meeting's working group on improving the TDG accident report were still ongoing, the criteria for the obligation to report should also be clarified.

51. The representative of the United Kingdom said that if there were consensus to change the amount of reporting, the data should be used to provide better information on the risk assessments that are to be carried out.

52. The representative of UIP remarked that the work of the ERA working group had focused mainly on the railway sector and risk management. He was concerned that as a result, the reporting might place an additional administrative burden on the railway sector.

53. The OTIF Secretariat noted that the presentation by ERA concerned rail transport in general. It agreed that the objective of the reporting should be to improve provisions. There were two elements to consider: the inclusion of different modes and the COTIF provisions. He explained that under COTIF, there is no legal basis for centralised reporting, as this is not the role of the OTIF Secretariat. There was no legal basis to notify domestic accidents and no obligation to report cross-border accidents.



References to Appendix H to COTIF, the Uniform Rules concerning the Safe Operation of Trains in International Traffic (EST UR), should be carefully considered. Firstly, the EST UR are not in force and it may take considerable time before they enter into force. Secondly, the EST UR do not foresee the development of a CSM on safety assessment. Thirdly, as Member States of OTIF may declare not to apply certain Appendices, it could not be taken for granted that all states apply both RID and EST UR. Despite this, it might still be possible to align the taxonomy and structure of reporting, etc.

54. The chair proposed to close the item for the time being and that the JCGE should be informed of developments in the Joint Meeting's working group on improving the TDG accident report and within ERA.

**Agenda item 7: next meeting dates for 2020**

55. The group agreed to hold the next JCGE meeting in Bern from 8 to 9 September 2020. The meeting will start at 9 am on 8 September and will end at 1 pm on 9 September.

**Annex I****Gouvernements / Regierungen / Governments**

<b>Allemagne/Deutschland/Germany</b>	M./Hr./Mr. M./Hr./Mr.	<b>Alfons Hoffmann</b> <b>Benjamin Körner</b>
<b>Belgique/Belgien/Belgium</b>	Mme./Fr./Ms. M/Hr./Mr.	<b>Caroline Bailleux</b> <b>Luc Opsomer</b>
<b>Finlande/Finnland/Finland</b>	M/Hr./Mr.	<b>Jouni Karhunen</b>
<b>Italie/Italien/Italy</b>	M./Hr./Mr. M./Hr./Mr.	<b>Benedetto Legittimo</b> <b>Rocco Cammarata</b>
<b>Luxembourg/Luxemburg/Luxembourg</b>	M./Hr./Mr. M./Hr./Mr.	<b>Iliass Zerktouni</b> <b>Albrecht Wustrau</b>
<b>Pays-Bas/Niederlande/Netherlands</b>	M./Hr./Mr.	<b>Arjan Walsweer</b>
<b>Royaume-Uni/Vereinigtes Königreich/ United Kingdom</b>	M./Hr./Mr.	<b>Arne Bale</b>
<b>Suisse/Schweiz/Switzerland</b>	M./Hr./Mr. Mme./Fr./Ms.	<b>Colin Bonnet</b> <b>Valérie Blanchard</b>

**Organisation régionale d'intégration économique  
Regionale Organisation für wirtschaftliche Integration  
Regional economic integration organisation**

**Union européenne/Europäische Union/ European Union**

**Commission européenne / Europäische Kommission / European Commission** Mme./Fr./Ms. Alice **Polo**

**European Union Agency for Railways (ERA)** M./Hr./Mr. Olivier **Piron**

**Organisations et associations internationales non-gouvernementales  
Nichtstaatliche internationale Organisationen und Verbände  
International non-governmental Organisations or Associations**

**CEFIC** M./Hr./Mr. Jörg **Roth**

**UIP** M./Hr./Mr. Gilles **Peterhans**  
M/Hr./Mr. Rainer **Kogelheide**

**UNIFE** M./Hr./Mr. Thomasz **Szmidt**

**Secrétariat  
Sekretariat  
Secretariat**

**SG** M/Hr./Mr. Wolfgang **Küpper**

**RID** M./Hr./Mr. Jochen **Conrad**  
Mme/Fr./Ms. Katarina **Burkhard**

**TECH** M./Hr./Mr. Bas **Leermakers**  
Mme/Fr./Ms. Maria **Price**

**Annex II**

**Rules of procedure of the joint coordinating group of experts (JCGE)**  
(Berne, 9 to10 September 2019)

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The terms used to describe persons are general and may be understood as referring to both males and females.

## **Article 1 Definitions**

For the purpose of these Rules, the term

- (a) "JCGE" shall apply to the Joint Coordinating Group of Experts;
- (b) "Member State" shall apply to one of the Member States or Associate Members of OTIF;
- (c) "OTIF" shall apply to the Intergovernmental Organisation for International Carriage by Rail;
- (d) "DG MOVE" shall apply to the Directorate-General for Mobility and Transport of the European Commission;
- (e) "ERA" shall apply to the European Union Agency for Railways;
- (f) "Sector organisations" shall apply to the following international associations: International Union of Railways (UIC), Community of European Railway and Infrastructure Companies (CER), International Union of Wagon Keepers (UIP), Association of the European Rail Industry (UNIFE), International Union of Combined Road-Rail Transport Companies (UIRR) and the European Chemical Industry Council (CEFIC);
- (g) "Representative" shall apply to the physical person nominated by the authority responsible for legislation concerning the transport of dangerous goods by rail or by the authority responsible for legislation concerning railway interoperability and safety in a Member State or by a sector organisation;
- (h) "Committees" shall apply to the RID Committee of Experts and the Committee of Technical Experts of OTIF and to the Committee on the transport of dangerous goods and the Railway Interoperability and Safety Committee (RISC) of the European Commission;
- (i) "RID" shall apply to the Regulation concerning the International Carriage of Dangerous Goods by Rail;
- (j) "UTP" shall apply to the Uniform Technical Prescriptions of OTIF;
- (k) "TSI" shall apply to the Technical Specifications for Interoperability of the European Union;
- (l) "Working languages" shall apply to the working languages of OTIF, i.e. German, English and French;
- (m) "Items" shall apply to matters of substance related to interfaces between RID and general railway law (railway legislation concerning interoperability and safety), which require analysis and coordination by the JCGE;
- (n) "Convention" means the 3 June 1999 Protocol version of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980;
- (o) "Secretary General" means the Secretary General in accordance with Article 13 § 1 g) of the Convention.

**Article 2**  
**Aim and actions**

- § 1 The aim of the JCGE is to contribute to consistent legislative development between RID and general railway law (railway legislation concerning interoperability and safety) and to avoid conflicting requirements for vehicles and rail operations in respect of the carriage of dangerous goods by rail.
- § 2 To achieve this aim, the JCGE may use the following process:
- (a) Receive items from the committees or identify items;
  - (b) Examine the items and, if necessary, and propose solutions to ensure compatibility and consistency between RID and general railway law (railway legislation concerning interoperability and safety);
  - (c) Issue advice to the committees in respect of the items and concerning appropriate interfaces between RID and general railway law (railway legislation concerning interoperability and safety), with the purpose of:
    - Proposing modifications to the provisions of RID (protection objectives),
    - Where applicable, proposing a process for similar items,
    - Proposing modifications to railway legislation concerning interoperability and safety (technical provisions to implement the protection objectives),
    - Identifying the applicability/impact of the proposed modifications,
    - Taking into account the multimodal aspects of the proposed modifications.

**Article 3**  
**Composition**

- § 1 The JCGE shall be composed of the representatives and staff members of DG MOVE, ERA and OTIF.
- § 2 The JCGE shall be composed of persons who have expertise in the field of legislation concerning the transport of dangerous goods by rail (dangerous goods expert) or in the field of railway legislation concerning interoperability and safety (railway expert). In general, the maximum number shall be:
- One dangerous goods expert and one railway expert for each Member State represented;
  - One dangerous goods expert and one railway expert for each sector organisation represented;
  - One dangerous goods expert and one railway expert representing ERA for a relevant TSI;
  - One dangerous goods expert and one railway expert from the Secretariat of OTIF;
  - One dangerous goods expert and one railway expert from DG MOVE.
- § 3 Member State authorities responsible for legislation concerning the transport of dangerous goods by rail or legislation concerning railway interoperability and safety, and sector organisations, shall notify the Secretariat in writing of their representatives, specifying their name and functions.

#### **Article 4**

##### **Chair and conducting proceedings**

- § 1 The meetings shall be conducted by two co-chairs:
- One co-chair proposed by the Secretariat of OTIF with a background in the carriage of dangerous goods by rail and
  - One co-chair proposed by DG MOVE with a background in general railway law (railway legislation concerning interoperability and safety).
- Alternatively, the meeting may be conducted by one chair, proposed by either DG MOVE or the Secretariat of OTIF:
- § 2 The JCGE shall approve the chair or the co-chairs at each meeting. The chair or the co-chairs remain in their role until the following meeting.
- The chair or the co-chairs shall support the Secretariat in
- (a) Preparing advice and technical reports in accordance with Article 8;
  - (b) Monitoring the follow-up to advice in the committees or their working groups and reporting to the JCGE.
- § 3 The chair or the co-chairs shall ensure that discussions take place in accordance with these Rules of Procedure, give the floor and announce decisions.
- § 4 Decisions related to advice shall be taken by consensus, where possible.

#### **Article 5**

##### **Secretariat**

- § 1 The Secretariat of the JCGE shall be provided by DG MOVE and the Secretary General of OTIF.
- § 2 DG MOVE and OTIF shall provide administrative and logistical support for each meeting on an alternating basis, in particular:
- (a) In coordination with the chair or the co-chairs, draft and send the participating representatives a technical report and advice;
  - (b) Make all the necessary arrangements for the organisation and holding of meetings, including the meeting venue.
  - (c) Unless agreed otherwise by the Secretariat of the JCGE, meetings shall be held in Bern.

#### **Article 6**

##### **Meetings**

- § 1 JCGE meetings shall be convened on an ad-hoc basis.
- § 2 Unless the JCGE decides otherwise, its meetings shall not be open to the public.

**Article 7**  
**Invitation, agenda and documents**

- § 1 At the latest two months before the meeting opens, the Secretary General of OTIF, in coordination with the chair or the co-chairs and DG MOVE, shall send the representatives, the Secretariat of OTIF, DG MOVE and ERA:
- an invitation showing the place, date and time of the opening of the meeting;
  - the provisional agenda, including a list of items submitted by the committees for discussion and analysis.

These documents shall be sent to representatives, DG MOVE and ERA electronically.

- § 2 The documents relating to the meeting shall be placed on the website of OTIF.
- § 3 At the request of the committees or their working groups, additional items may be added to the agenda before it is adopted on the day of the meeting.

**Article 8**  
**Deliverables**

- § 1 The JCGE has two types of deliverables:
- (a) Technical reports summarising discussions concerning the items at the JCGE meetings. If no consensus can be reached on the technical reports, the majority view of the JCGE shall be indicated and, where necessary, diverging views included;
  - (b) Advice from the JCGE to the committees or their working groups, including, where relevant, proposals for legislative modifications. Advice shall take into account the technical reports.
- § 2 The JCGE technical reports and advice shall be drafted by the Secretariat in coordination with the chair or the co-chairs.
- § 3 The draft technical reports and advice shall be sent to the participants for review not later than two months after the meeting.
- § 4 Within two weeks of the day the draft technical report and advice are sent, representatives shall notify the Secretariat in writing of any corrections they wish to make to the text.
- § 5 The advice shall be subject to approval by the JCGE before being sent to the committees or their working groups. This may also be done by written consultation.
- § 6 The Committees or their working groups may require that the JCGE advice be revised.

**Article 9**  
**Languages**

- § 1 Representatives of the JCGE may speak in any of the working languages. If a speaker speaks in German or French, his statements shall be interpreted simultaneously, orally and in substance, into English. Statements made in English shall not be interpreted into German or French.
- § 2 Invitations, working documents, technical reports, draft advice and room documents shall be prepared in English only.



§ 3 Advice sent to the committees or their working groups shall, after the substance has been approved by the JCGE on the basis of the English version, be translated by OTIF into all three working languages.

**Article 10**  
**Date of Application**

These Rules of Procedure shall be applied from 9 September 2019.

Bern, 9 September 2019

On behalf of the Joint Coordinating Group of Experts (JCGE)

The chair or co-chairs:

Arne Bale

(Chair of meeting)

(Name)

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